

STATE OF ALABAMA BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

IN THE MATTER OF:)

Clarence E. Hopper)
C.E. Hopper Surveying)
43588 State Highway 75)
Altoona, Alabama 35952)

Respondent)
_____)



Case No. 2013-24-B

FINAL ORDER

The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by Clarence E. Hopper, Professional Land Surveyor License Number 20637, in which he stipulated he violated the Code of Alabama 1975, §34-11-11(a) 2, and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.05(g), and § 330-X-14-.06(a)(1) and (5) hereby adopts the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect upon the signing of this Final Order and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

ENTERED this the 9th day of April, 2014



Phillip E. Santora

RECUSED

Marc S. Barter



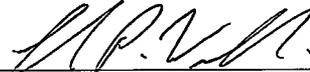
Frazier Christy



Daniel S. Turner



Earl R. Foust



Charles P. Willis



W. Gerald Wilbanks

**STATE OF ALABAMA
BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**

IN RE THE MATTER OF:

CLARENCE E. HOPPER

CASE NO. 2013-24-B

CONSENT ORDER

Clarence E. Hopper, an Alabama licensed professional land surveyor (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to approval of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the "Board") as follows:

STIPULATED FACTS

Respondent stipulates he received Alabama professional land surveyor license (number 20637) from the Board on May 25, 1995.

Respondent stipulates on June 14, 2013 the Board received a complaint that alleged he provided land surveying services on April 26, 2013 for a property owner in St. Clair County, Alabama, in which he failed to conduct research of the property, ignored a deed, and did not produce a survey drawing.

Respondent stipulates he performed land surveying services for Mr. Billy Watkins relative to property located at 110 Rocking H. Road, Remlap, AL 35133 and placed his professional seal and signature on a document titled "Corner Placement" for Mr. Watkins that was dated April 26, 2013. The document contained in part the following statement: "This certificate of survey has been prepared from information compiled in the field and office in compliance with the current minimum standards for property surveys to the best of my knowledge, information and belief, according to a survey made under my supervision on the 26th day of April 2013."

Respondent stipulates the document titled "Corner Placement" that bears his professional seal and signature contains violations of the Standards of Practice for Land Surveying in the State of Alabama.

STIPULATED CONCLUSIONS OF LAW

Respondent admits he is subject to the provisions of Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board.

Respondent stipulates his conduct as set forth in the foregoing "Stipulated Facts" constitutes violations of Title 34 Chapter 11 Code of Alabama 1975 Section 34-11-11(a) 2 and the Rules and Regulations of the Board's *Administrative Code* § 330-X-14-.05(g), and § 330-X-14-.06(a)(1) and (5).

Respondent stipulates his conduct as set forth in the "Stipulated Facts" is a violation of those statutes set forth above, and he is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

STIPULATED DISPOSITION

Respondent shall not in the future violate the provisions of Title 34, Chapter 11, Code of Alabama 1975, or the Rules and Regulations of the Administrative Code of the Board.

Respondent understands this Consent Order and subsequent Final Order will become a matter of public record.

Respondent shall submit to the Board via certified check a fine in the amount of five hundred dollars (\$500.00) with this signed Consent Order.

Respondent understands his Alabama professional land surveyor license is suspended (with that suspension stayed) for a period of six months from the date a Final Order is issued by the Board. Respondent understands during this stayed suspension period he is permitted to engage in the practice of land surveying without limitation. This stayed suspension period is un-

supervised and compliance with the terms of the consent order will cause the stayed suspension period to automatically cease at the end of the specified time period.

Respondent understands his Alabama professional land surveyor license is placed on probation for a period of twelve months from the date a Final Order is issued by the Board. Respondent understands during this probationary period he is permitted to engage in the practice of land surveying without limitation. This stayed suspension period is un-supervised and compliance with the terms of the consent order will cause the probation period to automatically cease at the end of the specified time period.

Respondent understands that failure to comply with any term of this consent order shall cause his professional land surveyor license to be revoked. Respondent further understands the matter would be presented to the Board at a regularly scheduled meeting at which he could attend and present evidence on his behalf.

Respondent agrees any violation of the terms of this Consent Order, may result in the Board filing additional charges in accordance with the Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a Final Order based upon it is rendered by the Board.

Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled meeting of the Board.

Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

Respondent for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

SIGNED this the 20 day of March, 2014.



Clarence E Hopper

APPROVED:



Benjamin H. Albritton
Assistant Attorney General